

Remarks

No new matter has been added as a result of the above amendments.

Rejection of claims 1, 2, 4, 6-12, 14, 16-21, 23, 25-31, 33 and 35-38 are rejected under 35 USC 112, ¶1

Claims 1, 2, 4, 6-12, 14, 16-21, 23, 25-31, 33 and 35-38 were rejected under 35 USC 112, ¶1 and have been withdrawn by the Examiner. Applicant appreciates the Examiner withdrawing this rejection.

Rejection of claims under 35 USC 102(e)

Claims 1-8 and 20-27 were rejected under 35 USC 102(e) and has subsequently been withdrawn. Applicant appreciates this withdrawal.

Rejection of claims 1-38 under 35 USC 103(a)

Claims 1-38 are rejected under 35 USC 103(a) as being unpatentable over Buch and Chang. Applicant respectfully disagrees.

Applicant has cancelled claims 1-38 and added claims 86-95. The newly added claims are directed to methods of synergistically (i) increasing nitric oxide in endothelial cells, and (ii) inhibiting cholesterol crystal formation.

The teaching of Buch and Chang are directed towards the use of amlodipine and atorvastatin in the treatment of certain diseases such as angina pectoris, hypertension, and alike. However, neither reference teaches how these pharmaceutical agents effectuate treatment.

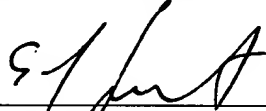
The presently claimed invention is directed towards very specific quantifiable physiological responses, namely the synergistic induction of nitric oxide production and inhibition of cholesterol crystal formation.

A basic tenant of patent law holds that the discovery of a new use, e.g., synergistically stimulating nitric oxide production or synergistically inhibiting cholesterol crystal formation, based upon known structures (e.g., pharmaceutical agents) is patentable.

Applicant believes that the presently claimed invention is now is condition of allowance and respectfully requests the Examiner to issue a Notice of Allowance.

The Examiner is invited to call the undersigned attorney at (617) 854-4237 should he determine that a telephonic interview would expedite prosecution of this case.

Respectfully submitted,



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